

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MACTEC, INC.,	)	
Plaintiff	)	
v.	)	No. 3:05-cv-255
BECHTEL JACOBS COMPANY, LLC,	)	
Defendant	)	
and		
DEMCO, INC.,	)	
Plaintiff	)	
v.	)	No. 3:06-cv-265
MACTEC, INC.,	)	
Defendant	)	

**ORDER**

For the reasons set forth in the Memorandum Opinion this day passed to the Clerk for entry, it is hereby ORDERED that Bechtel Jacobs' motion for judgment on the pleadings and summary judgment is GRANTED to the extent that Counts VI and VII of the second amended complaint are DISMISSED, as is plaintiff's

fraud claim that Bechtel Jacobs failed to notify it of the discrepancy between its bid and those of the other bidders, as well as Bechtel Jacobs' in-house estimate. In all other respects, the motion is DENIED. Accordingly, the pending motions are disposed of as follows:

1. Bechtel Jacobs' motion for judgment on the pleadings [Court File #25 in No. 3:05-cv-255] is GRANTED IN PART and DENIED IN PART in accordance with this memorandum opinion;
2. Bechtel Jacobs' motion for partial summary judgment, or in the alternative, to exclude evidence on contract issues [Court File #42 in No. 3:05-cv-255] is DENIED;
3. Plaintiff MACTEC's motion to file a supplemental brief [Court File #50 in No. 3:05-cv-255] is GRANTED;
4. Bechtel Jacobs' motion for partial summary judgment on MACTEC's fraud claim [Court File #53 in No. 3:05-cv-255] is GRANTED IN PART and DENIED IN PART consistent with this memorandum opinion;
5. MACTEC's motion for leave to file third-party complaint [Court File #14 in No. 3:06-cv-265] is GRANTED;
6. Bechtel Jacobs' motion for partial summary judgment [Court File #26 in No. 3:06-cv-265] is DENIED;
7. MACTEC's motion for leave to file a supplemental brief [Court File #35 in No. 3:06-cv-265] is GRANTED;
8. Bechtel Jacobs' motion partial summary judgment on MACTEC's fraud claim [Court File #38 in No. 3:06-cv-265] is GRANTED IN PART and DENIED IN PART in accordance with this memorandum opinion;

9. MACTEC's motion to strike Bechtel Jacobs' motion for summary judgment on fraud claim [Court File #41 in No. 3:06-cv-265] is DENIED; and

10. Bechtel Jacobs' motion for partial summary judgment on MACTEC's claim for breach of duty to verify bid and fraud [Court File #59 in No. 3:05-cv-255] is GRANTED IN PART and DENIED IN PART in accordance with this memorandum opinion.

**ENTER :**

**s/ Thomas W. Phillips**  
UNITED STATES DISTRICT JUDGE